

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

T.A. No. 209 of 2018

DATE OF DECISION :- December 14, 2018

Parminder Kaur

...Applicant

Versus

Gursewak Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Tarun Singla, Advocate for the applicant.

Mr. Aminder Singh, Advocate for the respondents.

Applicant Parminder Kaur, by way of filing the present application under Section 24 CPC seeks transfer of Petition filed by her husband Gursewak Singh having title 'Gursewak Singh Vs. Parminder Kaur' pending in the Court of Additional District Judge, Sangrur under Section 12 read with Section 13 of the Hindu Marriage Act, 1955 to the Court of competent jurisdiction at Bathinda.

According to the applicant, after she was married with Gursewak Singh-respondent no. 1, she went to reside with him in the matrimonial home at village Charon, Tehsil Sunam, District Sangrur, however, the spouses could not prolong together on account of dispute between them. She had to leave the matrimonial home while she was in the family way. She had to fall back upon her parents and she is residing with

them at Bathinda. She gave birth to a female child at her parental place, who is now aged about six months and is in her custody. Her husband Gursewak Singh has filed a divorce petition under Section 12 read with Section 13 of the Hindu Marriage Act, 1955 against her which is pending in the Court of Additional District Judge, Sangrur. Being a young woman of 26 years, required to take care of minor daughter of the parties and having no source of income, it is difficult for her to go from Bathinda to Sangrur to attend the dates of hearing. Further she will have to bear travelling expenses also which will cause a financial burden upon her as she is not having any source of income, therefore, this application be accepted.

Notice of the application was given to the respondent, who has appeared through counsel and is opposing the application to the extent of transfer of petition to the Court at Bathinda contending that father of applicant is serving in Punjab Home Guards and he besides two brother of applicant have been threatening the respondent, therefore, the petition may be transferred from the Court at Sangrur to be entrusted to the Court of competent jurisdiction at any other place convenient to the applicant except Bathinda.

I have heard learned counsel for the parties besides going through the record.

I find that respondent is not opposing the transfer of petition though he has got apprehension of physical harm at the hands of father and brother of applicant if it is transferred to the Court at Bathinda. That apprehension of the respondent can be addressed by issuing necessary direction to Senior Superintendent of Police, Bathinda. As such, in my view,

the application calls for acceptance, the same is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of Additional District Judge, Sangrur and transferred to the Court of District Judge, Bathinda for disposal in accordance with law. Learned District Judge, Bathinda may retain the petition on his board or assign it to any other Court of competent jurisdiction.

The parties through their counsel are directed to appear in the transferee Court on 21.1.2019. The Senior Superintendent of Police, Bathinda is directed to ensure that no physical harm is caused to the respondent when he goes to Bathinda to attend the dates of hearing in the petition in question. Copies of orders be sent to the Court of Additional District Judge, Sangrur as well as to the Court of District Judge, Bathinda for information and necessary compliance.

(H.S. MADAAN)
JUDGE

December 14, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No